

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
Plaintiff,) 4:08CR3146
v.)
ROBERT MARKS,) MEMORANDUM AND
Defendant.)

The defendant has filed an unopposed motion to continue his plea hearing currently set for September 28, 2010. (Filing No. 82). The motion states defense counsel and the government need additional time to finalize plea negotiations, and the defendant is in the process of obtaining an evaluation which will likely impact those negotiations. The court finds the defendant's motion should be granted.

IT IS ORDERED:

- 1) The defendant's change of Plea Hearing is continued to November 1, 2010 at 1:30 p.m.
- 2) The ends of justice served by granting defendant's request to continue the change the plea hearing outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between today's date and the anticipated plea of guilty, shall be deemed excluded in any computation of time under the requirements of the Speedy Trial Act, for the reason that the parties need additional time to adequately prepare the case, taking into consideration due diligence of counsel, the novelty and complexity of the case, and the fact that the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7).

DATED this 22nd day of September, 2010.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge